

Message Text

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ACTION EB-07

INFO OCT-01 ARA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOT-00 INR-07 NSAE-00 FAA-00 SS-15 NSC-05 L-02 SSO-00

NSCE-00 INRE-00 /045 W

----- 073166

O R 071743Z MAR 75

FM AMEMBASSY LIMA

TO SECSTATE WASHDC IMMEDIATE 4218

INFO AMEMBASSY BUENOS AIRES

AMEMBASSY LA PAZ

AMEMBASSY QUITO

C O N F I D E N T I A L LIMA 1928

E.O. 11652: GDS

TAGS: EAIR, PE

SUBJECT: US-PERU CIVAIR DISPUTE

REF: STATE 050648

1. I HAVE CONSIDERED PROPOSAL MADE REFTEL THAT CAB INITIATE PART 213 PROCEEDING, IN EFFECT SETTING NEW DEAD-LINE BY WHICH AEROPERU WILL BE REQUIRED TO SUSPEND SIX OF ITS SEVEN FLIGHTS TO MIAMI EFFECTIVE APRIL 20. AS DEPARTMENT KNOWS, EMBASSY HAS FAVORED TAKING FIRM LINE IN OUR CIVAIR DISPUTE WITH PERU AND HAS NO OBJECTION IN PRINCIPLE TO INITIATING PART 213 ACTION AT PROPER TIME IF THIS WILL ADVANCE OUR CAUSE. HOWEVER, EMBASSY HAS ALSO ALWAYS PROCEEDED ON ASSUMPTION THAT BASIC U.S. OBJECTIVE IS TO ACHIEVE COMPROMISE THAT WILL PERMIT AIRLINES OF BOTH COUNTRIES TO OPERATE PROFITABLE SERVICE AND TO SERVE NEEDS OF TRAVELING PUBLIC. IN MY VIEW, TAKING PART 213 ACTION NOW WOULD NOT ENHANCE POSSIBILITIES OF ACHIEVING SUCH A COMPROMISE BUT WOULD RATHER TEND TO PRECIPITATE CONFRONTATION WHICH, WHILE PERHAPS INEVITABLE, WE ARE BENDING BEST EFFORTS TO AVOID. I THEREFORE RECOMMEND AGAINST TAKING SUCH ACTION AT THIS TIME, AT LEAST NOT BEFORE

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MARCH 17 DEADLINE FOR RESPONSE TO CAB SHOW CAUSE ORDER.

2. OUR REASONS FOR THIS RECOMMENDATION ARE AS FOLLOWS:

A. EMBASSY FULLY AGREED WITH DEPARTMENT/CAB DECISION TO ISSUE SHOW CAUSE ORDER, AND IT HAS IN OUR VIEW PRECISELY ACHIEVED INTENDED OBJECTIVE. IT HAS STARTED A CLOCK TICKING AND HAS STIMULATED CONCERNED AWARENESS AT THE HIGHEST LEVELS OF GOP THAT PROBABLE CONFRONTATION SITUATION IS UPON US. THIS AWARENESS HAD PREVIOUSLY BEEN LACKING, AND IT NOW APPEARS TO BE OUR TASK TO HEIGHTEN THIS AWARENESS, WHICH WE THINK SHOW CAUSE DEADLINE PROVIDES US OPPORTUNITY TO DO WITHOUT NECESSITY OF PROCEEDING TO PART 213 ACTION JUST YET.

B. USG CIVAIR PRACTICES ARE A MYSTERY TO GOP. WE HAVE ALREADY SET ONE DEADLINE --MARCH 17, ONLY TEN DAYS AWAY. TO SET ANOTHER, DIFFERENT DEADLINE AND TO START A SECOND CLOCK TICKING, WHILE IT MAY BE UNDERSTOOD AT SENIOR TECHNICAL LEVEL OF AEROPERU, MAY WELL BE REGARDED AT GOP CABINET LEVEL--WHICH IS LEVEL WE NOW HAVE OPPORTUNITY TO CONVINCE--AS AGGRESSIVE AND UNREQUITED ACTION AT VERY TIME WHEN THEY MAY THINK (NOWEVER MISTAKENLY OR PERHAPS DISINGENUOUSLY) THEY ARE TRYING TO BE RESPONSIVE. SINCE WE KNOW THAT AEROPERU THINKS IT WILL BENEFIT IN LONG RUN FROM SUSPENSION OF SERVICES (LIMA 1492), AEROPERU WILL BE QUICK TO EXPLOIT THIS OPPORTUNITY. WE BELIEVE THERE IS HIGH PROBABILITY THAT GOP MIGHT OVERREACT TO THE STRONG SECOND STIMULUS OF A 213 ACTION AND RESPOND EMOTIONALLY WHEN OUR OBJECTIVE IS, AS NOTED ABOVE, TO INSPIRE RATIONAL THINKING AT HIGHEST LEVELS. POSSIBILITY OF OVERREACTION MIGHT BE HEIGHTENED BY DISTRACTION IN GOP CREATED BY PRESIDENT VELASCO'S CURRENT ILLNESS.

C. WE KNOW INTER-MINISTERIAL COMMITTEE HAS BEEN FORMED TO STUDY MATTER (LIMA 1702) AND BRANIFF IS ATTEMPTING TO CONTACT CHAIRMAN. BRANIFF IS ALSO CONTINUING ITS EFFORTS TO MEET WITH DGTA BERCKEMEYER, ALTHOUGH SO FAR WITHOUT RESULTS.

3. EMBASSY COMPLETELY ASSOCIATES ITSELF WITH STATEMENT
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PARAGRAPH 5 REFTEL TO EFFECT THAT U.S. SHOULD TAKE POSITION THAT WE ARE INDEED INTERESTED IN A FAIR AND REASONABLE NEGOTIATED SOLUTION. WE HAVE BELIEVED THIS FROM THE OUTSET. EMBASSY FURTHER AGREES THAT TO DATE SHOW CAUSE ORDER HAS NOT ELICITED A FORTHCOMING AEROPERU RESPONSE. HOWEVER, WE THINK THERE ARE TWO LEVELS ON WHICH PROBLEM MUST BE APPROACHED, THE FIRST BEING THE GOP CABINET LEVEL AND THE

SECOND THE AERO PERU LEVEL, THE LATTER AS YET REMAINING INTRANSIGENT. HOWEVER, THE CAB SHOW CAUSE ORDER HAS PERMITTED SOME PROGRESS ON THE FORMER LEVEL, AND IT IS ON THIS LEVEL THAT AEROPERU CONCEPT OF REVOLUTIONARY "EQUAL-IT " MUST BE OVERCOME.

4. EMBASSY WOULD PROPOSE TAKING ADVANTAGE OF HIGHER LEVEL GOP AWARENESS BY FOLLOWING COURSE OF ACTION:

A. USG SHOULD PRESENT PAPER AS SUGGESTED PARAGRAPH 5 REFTEL, ASKING QUESTIONS REGARDING GOP POSITION AND INDICATING POSSIBLE PARAMETERS. QUESTIONS MIGHT FURTHER INCLUDE SUCH POINTS AS WHETHER IT IS REALLY GOP INTENTION TO HAMPER EFFORTS TO PROMOTE TOURISM TO LATIN AMERICA BY IMPOSING RESTRICTIONS ON NUMBER OF PASSENGERS, SUCH AS IN TOURIST GROUPS, WHICH MAY BE CARRIED BEYOND LIMA, ETC. EMBASSY WOULD BE PLEASED TO COLLABORATE IN PREPARATION THESE QUESTIONS AND WOULD UNDERTAKE TO SEE THAT THEY REACHED SENIOR GOP LEVEL.

B. ON ASSUMPTION THAT AEROPERU INITIAL RESPONSE TO CAB ORDER WILL RESULT IN HEARING, WE SHOULD UTILIZE HEARING AS YET ANOTHER FORUM FOR FORCEFUL PRESENTATION USG POSITION. TRANSCRIPT SHOULD BE MADE AVAILABLE PROMPTLY TO EMBASSY FOR CIRCULATION TO GOP CABINET-LEVEL OFFICIALS.

5. IN TAKING FOREGOING POSITION, WE CONSIDERED TWO POINTS. FIRST, WHILE WE HAVE BEEN IN DAILY TOUCH WITH LOCAL BRANIFF REPRESENTATIVES AND ARE AWARE OF LACK OF AEROPERU MOVEMENT, WE ARE NOT AWARE OF FINANCIAL COST TO BRANIFF OF MORE GRADUAL TACTICAL APPROACH WE SUGGEST. DEPARTMENT AND CAB MAY BE IN BETTER POSITION TO TAKE THIS FACTOR INTO CONFIDENTIAL

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CONSIDERATION. (LOCAL BRANIFF OFFICIALS TELL US THEY FAVOR TAKING PART 213 ACTION NOW.) SECOND, WE CONSIDERED AND REJECTED POSSIBILITY OF TAKING POSITION WITH HIGHEST LEVEL OF GOP THAT PART 213 ACTION WAS TAKEN BECAUSE AEROPERU/TECHNICAL LEVEL HAD UNFORTUNATELY FORCED THIS ACTION UPON US. IN OUR VIEW, LEVEL OF SOPHISTICATION AT UPPER REACHES OF GOP IS AS YET INSUFFICIENT FOR SUCH AN ATTEMPT TO DISCREDIT TECHNICAL LEVEL TO PROSPER.

6. RECOMMENDATION: I ACCORDINGLY RECOMMEND THAT PART 213 ACTION NOT BE TAKEN UNTIL IT IS CLEAR THAT OUR EFFORTS ON OTHER FRONTS HAVE BEEN INEFFECTIVE. WE HAVE ONLY IN PAST TWO WEEKS BEEN ABLE TO ENGAGE SENIOR ATTENTION OF CABINET, AS EVIDENCED BY PREVIOUS LACK OF INVOLVEMENT OF GOP EMBASSY IN WASHINGTON. AMBASSADOR-DISIGNATE ARCE IS FULLY

AWARE OF PORBLEM, AND DEPARTMENT WILL UNDOUBTEDLY HAVE OPPOR-
TUNITY AGAIN FORCIBLY TO INVITE HIS ATTENTION TO IT.
IN SHORT, I BELIEVE THE CAB SHOW CAUSE NOTICE HAS AFFORDED
US OPPORTINITIES WHICH WE HAVE NOT YET FULLY EXPLOITED.
IN THE ABSENCE OF OTHER FACTORS OF WHICH WE MAY BE
UNAWARE, I BELIEVE THE PART 213 ACTION SHOULD THEREFORE
BE HELD IN ABEYANCE FOR A LATER STAGE, SHOULD THIS BECOME
NECESSARY.
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